

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 16, 2001

At 9:32 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Nicholson, Associate Justice; and Rios, Bailiff. Calendar Called.

C031831 ASSOCIATION OF CALIFORNIA SUPERVISORS et al. v. DEPARTMENT OF CORRECTIONS et al.
Cause called. Daniel S. Connolly argued for appellants. Roy J. Chastain argued for respondents. Cause submitted.

At 10:08 a.m., court recessed. At 10:11 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Raye.

C033885 CALFARM INSURANCE COMPANY v. WOLF
Cause called. Nina E. Scholtz argued for appellant. Lynn Hubbard argued for respondent. Cause submitted.

At 10:31 a.m., court recessed. At 10:35 a.m., court reconvened with Acting Presiding Justice Raye, Associate Justice Morrison, and Associate Justice Callahan.

C034331 WONG v. STOCKTON UNIFIED SCHOOL DISTRICT et al.
Cause called. Jonathan Regent Tyrell argued for appellant. Lyle W. Cook argued for respondents. Cause submitted.

At 11:10 a.m., court recessed. At 2:10 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison, and Associate Justice Kolkey.

C032337 SKAGGS v. KAPPOS
Cause called. Steven A. Clair argued for appellant. John M. Kappos argued for respondent. Cause submitted.

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The Minutes

January 16, 2001, CONTINUED

C030447 THE PEOPLE v. CHAN

Cause called. Stephen Greenberg, court appointed counsel, argued for appellant. Clayton S. Tanaka, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:10 p.m., court recessed. At 3:13 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Morrison, and Associate Justice Kolkey.

C031888 Guardianship of DAVID H., a Minor; CHARLES H. et al. v. MARIA L.

Cause called. Trilla E. Bahrke argued for appellants. Bradley A. Bristow, court appointed counsel, argued for respondent. Cause submitted.

At 3:45 p.m., court recessed until Wednesday, January 17, 2001, at 9:30 a.m.

January 17, 2001

C028573 CENTURY-NATIONAL INSURANCE COMPANY v. GLENN

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Blease, Acting P.J.
Sims, J.

C036088 THE PEOPLE v. BRITTAIN, SR.

(Not for Publication)

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment that reflects the \$200 fine imposed pursuant to section 1202.45, and suspended unless defendant's parole is revoked. The court is further directed to send a certified copy of the amended abstract of judgment to the Department of Corrections.

SCOTLAND, P.J.

We concur: Sims, J.
Hull, J.

C036111 THE PEOPLE v. HOLLAND

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Davis, Acting P.J.
Nicholson, J.

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January 17, 2001, CONTINUED

- C034986 THE PEOPLE v. COLVIN (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.
- C033634 DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING v. MERCY
HEALTHCARE SACRAMENTO et al. (Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C033604 THE PEOPLE v. SULLIVAN (Not for Publication)**
The judgment is modified to award a total of 414 days of presentence credits, i.e., 276 days of actual custody credits and 138 days of good conduct credits. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification, and to send a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.
- C034664 THE PEOPLE v. HARRIS (Not for publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.
- C032054 THE PEOPLE v. BURTON (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C034982 THE PEOPLE v. JOHNSON IV (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.

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January 17, 2001, CONTINUED

C035552 THE PEOPLE v. CHRISTIE (Not for Publication)
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.

C035610 THE PEOPLE v. HALL (Not for Publication)
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.

C034986 THE PEOPLE v. COLVIN (Not for Publication)
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice; Callahan, Associate Justice; and Castillo, Bailiff. Calendar Called.

C031409 THE PEOPLE v. ANDERSON et al.
Cause called. Alfons G. Wagner, court appointed counsel, argued for appellant Anderson. S. Lynne Klein, court appointed counsel, argued for appellant Russell. Jesse Witt, Deputy Attorney General, argued for respondent. Cause submitted.

C033950 THE PEOPLE v. AUDETTE
Cause called. Barbara Coffman, court appointed counsel, argued for appellant. Jean M. Marinovich, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:15 a.m. the court recessed. At 10:18 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Raye.

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JANUARY 17, 2001, CONTINUED

C034513 WORKMAN v. SHERMAN

Cause called. Joseph Arch Sherman argued for himself in pro per as appellant. Lisa Lance argued for respondent. Cause submitted.

C034516 SHERMAN v. WORKMAN

Cause called. Joseph Arch Sherman argued for himself in pro per as appellant. Lisa Lance argued for respondent. Cause submitted.

At 10:35 a.m. the court recessed. At 10:37 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Raye, and Associate Justice Callahan.

C034228 WILLIAMS v. REDDING MEDICAL CENTER

Cause called. Dugan Barr argued for appellant. Jeffrey D. Polsky argued for respondent. Cause submitted.

At 11:17 a.m. the court recessed. At 2:00 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison, and Associate Justice Kolkey.

C033513 THE PEOPLE v. STRONG

Cause called. Kevin A. Hicks, Deputy District Attorney, argued for appellant. Sylvia W. Beckham, court appointed counsel, argued for respondent. Cause submitted.

At 2:45 p.m. the court recessed. At 2:47 p.m., court reconvened with Acting Presiding Justice Raye, Associate Justice Morrison, and Associate Justice Kolkey.

C034889 MARCUCCI, et al. v. BOREAL RIDGE CORP.

Cause called. Stephen W. Berrier argued for appellants. John E. Fagan submitted additional citations and argued for respondent. Cause submitted.

At 3:24 p.m. the court recessed. At 3:28 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Callahan.

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JANUARY 17, 2001, CONTINUED

C033336 THE PEOPLE v. JOHNSON

Cause called. Mark D. Greenberg, court appointed counsel, argued for appellant. Thomas Y. Shigemoto, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:52 p.m. court adjourned until Thursday, January 18, 2001, at 9:30 a.m.

JANUARY 18, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar Called.

C031851 COORS BREWING CO. v. JAY R. STROH, etc.

Cause called. Renee D. Wasserman argued for petitioner. Sean M. Selegue appeared for petitioner. Richard Van Duzer argued for Amicus Miller Brewing. Jeanne Wolfe, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:34 a.m. the court recessed. At 10:37 a.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Raye, and Associate Justice Hull.

C035623 RICHARD et al. v. HEISER et al.

Cause called. R. Kenneth Bauer argued for appellants. Barry Zoller argued for respondents. Cause submitted.

C034591 Estate of GERALDINE Y. RIPPENGAL

Cause called. Jeffrey Rippengale argued for himself in pro per as appellant. Charles R. Mack, County Counsel (Retired), argued for respondents. Cause submitted.

At 11:20 a.m. the court recessed. At 11:22 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Raye, and Associate Justice Hull.

C033137 CAMARGO v. CALIF. PORTLAND CEMENT CO.

Cause called. Sabrina M. Tourtlotte argued for appellant. Gary F. Overstreet argued for respondents. Cause submitted.

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JANUARY 18, 2001, CONTINUED

At 11:44 a.m. the court recessed. At 11:46 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson, and Associate Justice Raye.

C034291 WILSHIRE INSURANCE CO. v. TUFF BOY HOLDING, INC.
Cause called. Monique Grandaw argued for appellant. Mark D. Norcross argued for respondent. Cause submitted.

At 12:05 p.m. the court recessed. At 2:00 p.m. court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Raye.

C032953 PERCY v. GRIMES
Cause called. Cleveland Percy argued for himself in pro per as appellant. Mark D. Norcross argued for respondent. Cause submitted.

At 2:16 p.m. the court recessed. At 2:25 p.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Morrison, and Associate Justice Callahan.

C033832 THE PEOPLE v. LEPEILBET (and Related OSC)
Cause called. Eva M. Henao argued for appellant. Richard Dangler appeared for appellant. Susan J. Orton, Deputy Attorney General, argued for respondent. Laurance S. Smith argued for Erik K. Wagner as to the OSC hearing only. Ronald L. Melliush argued for Richard Dangler as to the OSC hearing only, and provided the court with additional declarations. Cause(s) submitted.

At 4:12 p.m. the court recessed until 9:30 a.m., Friday, January 19, 2001.

C029719 In re the Marriage of WEBER (Not for Publication)
The judgment is modified to reflect that husband's appellate damages are \$40,000 for the value of the use and occupancy of the ranch property, and that after this amount is offset against wife's appellate damages, husband owes wife \$9,542. As modified, the judgment is affirmed. The parties shall bear their own costs on appeal
 SCOTLAND, P.J.
We concur: Sims, J.
 Hull, J.

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JANUARY 18, 2001, CONTINUED

C030308

BUCKLE et al. v. BUTTE COMMUNITY COLLEGE DIST. et al.

It is ordered that the opinion filed herein on December 19, 2000, be modified as follows: (see order)

Appellant's petition for rehearing is denied.

FOR THE COURT:

Scotland, P.J.

Morrison, J.

Hull, J.

C035878

THE PEOPLE v. McCORMICK

(Not for Publication)

The judgment is modified to add \$340 in penalty assessments and is remanded for further proceedings with respect to the sentence for the misdemeanor conviction. The judgment is otherwise affirmed. The trial court shall prepare an amended abstract of judgment and send a certified copy thereof to the Department of Corrections.

KOLKEY, J.

We concur: Nicholson, Acting P.J.

Morrison, J.

JANUARY 19, 2001

C035976

In re STEPHANIE A. et al. Minors: DEPT. OF HEALTH & HUMAN SERVICES v. VERONICA W.

The orders of the juvenile court are affirmed.

KOLKEY, J.

We concur: Nicholson, Acting P.J.

Morrison, J.

C036423

THE PEOPLE v. FLOR

(Not for Publication)

The judgment is affirmed.

SIMS, J.

We concur: Scotland, P.J.

Hull, J.

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JANUARY 19, 2001, CONTINUED

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Raye, Associate Justice; and Castillo, Bailiff. Calendar Called.

C029865 Estate of RAYMOND H. OLSEN, SR.

Cause called. John C. Schaller argued for appellant. Nels A. Christensen argued for respondent Cunningham. Craig Kellison argued for remaining respondents and submitted additional citations. Cause submitted.

C031468 Estate of RAYMOND H. OLSEN, SR.

Cause called. John C. Schaller argued for appellant. Craig Kellison argued for respondents and submitted additional citations. Cause submitted.

At 10:09 a.m. the court recessed. At 10:13 a.m. the court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Morrison.

C034220 PG & E v. CROSSROADS IRRIGATION DISTRICT et al.

Cause called. Jack F. Fallin argued for appellant. Steven A. Herum argued for respondents. Cause submitted.

At 10:43 p.m., the court recessed. At 2:00 p.m. the court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Hull.

C033937 DATA CONTROL CORP. v. SCHWARTZ

Cause called. Steven T. Spiller argued for appellant. Patricia M. Lucas argued for respondents. Cause submitted.

C033913 DEBBER v. KALMAN

Cause called. Betsy S. Kimball argued for appellant. Patricia M. Lucas argued for respondent. Cause submitted.

C034902 DEBBER et al. v. HUNYADA

Cause called. Patricia M. Lucas argued for appellants. John G. Bilheimer argued for respondent. Cause submitted.

At 3:25 p.m. the court recessed until 9:30 a.m., Monday, January 22, 2001.

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The Minutes

JANUARY 22, 2001

- C037101 MORADI v. PIMENTEL PRIVATE SECURITY et al.**
Appellant's petition for rehearing is granted. The decision filed on December 26, 2000, is vacated. The San Joaquin County Superior Court Clerk is authorized to accept payment for preparation of the record on appeal if the payment is presented on or before February 5, 2001.
SCOTLAND, P.J.
- C033603 OPONG-MENSAH v. TERRY JACKSON et al.** **(Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Hull, J.
Kolkey, J.
- C034428 THE PEOPLE v. CARDOZA** **(Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
Raye, J.
- C033626 THE PEOPLE v. STEPHENS** **(Not for Publication)**
The judgment is affirmed. The trial court is ordered to correct the abstract of judgment by amending the reference to Health and Safety Code section 11370.2, subdivision (a) to read section 11370.2, subdivision (c).
NICHOLSON, J.
We concur: Blease, Acting P.J.
Raye, J.
- C032034 THE PEOPLE v. EHRET et al.** **(Not for Publication)**
The orders of dismissal are reversed. The cause is remanded to the trial court, which shall vacate the dismissal orders and permit defendants to withdraw their no contest pleas and enter pleas of not guilty, if they so desire. Otherwise, the trial court shall enter the no contest pleas on defendants' criminal records and impose lawful punishment.
NICHOLSON, J.
We concur: Scotland, P.J.
Blease, J.
- C030226 THE PEOPLE v. BARRAZA** **(Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
I concur: Sims, J.
I concur in the result:
Blease, Acting P.J.

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JANUARY 22, 2001, CONTINUED

C035884 THE PEOPLE v. ROBINSON (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Davis, Acting P.J.

Raye, J.

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Sims, Associate Justice; Morrison, Associate Justice; and Rios, Bailiff. Calendar Called.

C034629 RENDA v. SACRAMENTO CITY UNIFIED SCHOOL DIST.

Cause called. Robert P. Biegler argued for appellant. Domenic D. Spinelli argued for respondent. Cause submitted.

At 10:07 a.m. the court recessed. At 10:09 a.m. the court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison, and Associate Justice Callahan.

C032360 THE PEOPLE v. MacNEAL

Cause called. Richard Doctoroff, court appointed counsel, argued for appellant. No appearance on behalf of respondent argument having previously been waived. Cause submitted.

At 10:16 a.m. the court recessed. At 10:21 a.m. the court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Sims.

C034427 THE PEOPLE v. BRADFORD

Cause called. Richard Doctoroff, court appointed counsel, argued for appellant. Stephen G. Herndon, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m. the court recessed. At 10:31 a.m. the court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Morrison.

C032818 THE PEOPLE v. PARMAR et al.

Cause called. Albert C. Locher, Deputy District Attorney, argued for appellant. Michael R. Nelson, Deputy County Public Defender, argued for respondent Rosemary Parmar. Cause submitted.

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JANUARY 22, 2001, CONTINUED

At 11:08 a.m. the court recessed. At 2:00 p.m. the court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Sims.

C034275 THE PEOPLE v. GLASER

Cause called. Alfons Wagner, court appointed counsel, argued for appellant. Thomas Y. Shigemoto, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:18 p.m. the court recessed. At 2:21 p.m. the court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Hull.

C032241 (ANTHEM LIFE INSURANCE CO.) DAVIS v. JOHNSON

Cause called. Cyril L. Lawrence argued for appellant. Robert P. Biegler argued for respondent. Cause submitted.

At 2:52 p.m. the court recessed until 9:30 a.m., Tuesday, January 23, 2001.

JANUARY 23, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Hull, Associate Justice; Kolkey, Associate Justice; and Castillo, Bailiff. Calendar Called.

C031617 THE PEOPLE v. CHASSER

Cause called. Handy Horiye, court appointed counsel, argued for appellant. Tiffany S. Shultz, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:07 a.m. the court recessed. At 10:11 a.m. the court reconvened with Acting Presiding Justice Morrison, Associate Justice Callahan, and Associate Justice Kolkey.

C033812 INYO CRUDE, INC. v. MORRISSETTE et al.

Cause called. Frederick G. Wood argued for appellants. Stewart J. Schwartz argued for respondent. Cause submitted.

C034832 INYOU CRUDE, INC. v. MORRISSETTE et al.

Cause called. Stewart J. Schwartz argued for appellant. Frederick G. Wood argued for respondents. Cause submitted.

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Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

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JANUARY 25, 2001

- C025751 THE PEOPLE v. HAROLD JAMES (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Blease, Acting P.J.
 Nicholson, J.
- C032198 THE PEOPLE v. MATHIS (Not for Publication)**
The judgment of dismissal is reversed, and the matter is remanded to the trial court for further proceedings consistent with the holdings in *Frazer, supra*, 21 Cal.4th 737.
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Hull, J.
- C034006 THE PEOPLE v. JUDD (Not for Publication)**
The judgment imposing a sentence enhancement under section 12022.1 is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. In all other respects the judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Sims, J.
 Nicholson, J.
- C034947 THE PEOPLE v. ALVAREZ (Not for Publication)**
The judgment is affirmed. The trial court shall amend the abstract of judgment as indicated in part III above and forward a copy to the Department of Corrections.
 HULL, J.
We concur: Scotland, P.J.
 Sims, J.
- C035954 THE PEOPLE v. ELLSWORTH (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Callahan, J.
- C036113 THE PEOPLE v. LEE (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Callahan, J.

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The Minutes

JANUARY 25, 2001, CONTINUED

- C034591 Estate of GERALDINE Y. RIPPENGALE, Deceased.**
(Not for Publication)
Because the order from which this appeal is taken is interlocutory in nature and not within the limited provisions of Probate Code section 1300, this court is without jurisdiction to consider it. Objector's appeal is dismissed. Petitioner is awarded costs on appeal.
HULL, J.
We concur: Nicholson, Acting P.J.
 Raye, J.
- C034513 WORKMAN v. SHERMAN**
C034516 SHERMAN v. WORKMAN
(Not for Publication)
The trial court's orders are affirmed. The matters are remanded to the superior court for a determination of the amount of attorney fees to which Workman is entitled as the prevailing party on appeal. Sherman shall reimburse Workman for costs on appeal, to be determined by the trial court. (Cal. Rules of Court, rule 26(a).)
SCOTLAND, P.J.
We concur: Blease, J.
 Raye, J.
- C035623 RICHARD et al. v. HEISER et al.**
(Not for Publication)
The judgment is affirmed.
HULL, J.
We concur: Nicholson, Acting P.J.
 Raye, J.
- C034291 WILSHIRE INSURANCE CO. v. TUFF BOY HOLDING, INC.**
(Certified for Partial Publication)
The judgment is affirmed. Tuff Boy shall recover its costs on appeal.
SIMS, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C031888 Guardianship of the Person and Estate of DAVID CARLO H., a Minor**
(Not for Publication)
The trial court's order is affirmed.
SCOLTAND, P.J.
We concur: Morrision, J.
 Kolkey, J.

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JANUARY 26, 2001

C032953 PERCY v. GRIMES (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Sims, J.

Raye, J.

C034228 WILLIAMS v. REDDING MEDICAL CENTER (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Scotland, P.J.

Raye, J.